

TOWN OF RIB MOUNTAIN

Regular Town Board Meeting

December 4, 2007

Chairman Allen Opall called the meeting of the Rib Mountain Town Board to order at 7:00 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road. Present were Supervisors LeRoy Jonas IV, James Legner and John Sybeldon. Excused: Supervisor Frederick Schaefer.

Also present were Town Attorney Philip Freeburg, Administrator Gaylene Rhoden, Fire Chief Paul Wirth, Building Inspector Daniel Dziadosz, Streets/Parks Superintendent Scott Schatschneider and Clerk/Treasurer Patricia Jahns.

On November 30, 2007 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

Minutes: Motion by Jonas/Legner to approve the minutes of the 11/20/07 regular Town Board meeting. Questioned and carried 4:0.

Plan Commission Report & Recommendations – Docket 07-54: Charles W. Walters request for modification of the General Development Plan at the Rib Mountain Inn for an expansion of the existing condominium and hotel for Parcel #34.5000.A.1 – B.5, also known as 2900-2901 Rib Mountain Way. The Plan Commission did not recommend approval of the plan.

Daniel Dziadosz reviewed the history of the Rib Mountain Inn project dating back to the 1980s. Minutes of the Plan Commission minutes and rebuttal arguments from Attorney Colin Pietz were included in the Town Board packets. Attorney Philip Freeburg commented that neither the Town nor the developer have a general development plan from when the property was zoned UDD in 1984. He noted that Staff's approach is that we know what's here now and anything further will be treated as a modification.

Correspondence from Attorney Pietz dated 10/11/07 called attention to the requirement for the Plan Commission to make a written report of its action to the Town Board.

Attorney Freeburg reported the Plan Commission went back and voted on each element as the minutes of 10/10/07 did not detail the findings of fact. He noted the burden is on the applicant to assure the modification meets the criteria of the general guidelines. He further commented that the General Comprehensive Plan dated 11/05 does not define "neighborhood-oriented commercial node". The Comp Plan calls for neighborhood-oriented commercial node with a development that is oriented or integrated toward the neighborhood. It is within the Town's zoning power to foster compatibility. Attorney Freeburg noted that Dan's Staff report is very helpful regarding land use and compatibility. While the UDD zone gives the Town Board flexibility, it is up to the Town to figure out compatibility, i.e. what is the best way to balance commercial and residential use.

Supervisor Legner reviewed the findings of fact and noted the incompatibility of traffic and parking demands as well as an adverse effect on the public health, safety and welfare of the Town.

Sybeldon commented the decision is a close call. He wondered what would go there if these units don't go in there. Supervisor Legner offered that whatever is proposed will eventually come before the Town Board.

Attorney Freeburg read the options Dan Dziadosz proposed for Board action:

1. Accept the Plan Commission recommendation and deny the proposed modification
2. Do not accept the Plan Commission recommendation (approve and /or approve with modification)
3. Table for time to review the information as provided by Attorney Pietz
4. Send it back to the Plan Commission for additional hearing / consideration

Supervisor Jonas inquired why the Plan Commission denied the request. Supervisor Legner directed him to look at the finding of facts by the Plan Commission. Supervisor Sybeldon noted there is a desire to protect residential areas from ill effects of development.

Supervisor Jonas suggested that the item be tabled until Supervisor Schaefer is able to give his input. He also asked if Attorney Freeburg would comment. Chairman Opall stated a hearing was held before the Plan Commission.

Motion by Legner/Opall to accept the Plan Commission recommendation and deny the proposed modification. Questioned and failed 2:2 due to a lack of a majority vote.

Attorney Freeburg reviewed how the particular motions would play out. A motion to deny would result in no majority for approval or denial, so action to deny won't pass and won't be approved. The Board could move to table and it would be non-debatable.

Supervisor Jonas stated he wanted more time to review the Plan Commission minutes and the rebuttal arguments. **Motion by Jonas/Sybeldon to table until the next meeting. Questioned and failed 2:2 due to a lack of a majority vote.**

Supervisor Jonas asked Daniel Dziadosz to review each Plan Commission finding of fact for the Board members. Fire Chief Wirth stated there would be secondary emergency access. Supervisor Jonas asked if the Board could hear from the audience. Chairman Opall stated a hearing was held and there was no additional information forthcoming.

Attorney Freeburg commented that a delay of Board action would avert a 2:2 tie vote. **Motion by Sybeldon/Jonas to table and at the discretion of the Town Chairman schedule the issue for a vote when all Board members are present. Questioned and failed 2:2 due to a lack of a majority vote.**

Motion by Jonas/Legner to accept the Plan Commission recommendation and deny the modification. Questioned and carried 3:1 with Sybeldon voting no.

Purchase Two Used Pickup Truck(s) for Public Works Department – Scott Schatschneider requested authorization to purchase two used pickup trucks for approximately \$18,000 instead of a new pickup truck budgeted for \$20,000 in the 2008 budget. He reported these 2003 vehicles matched the specifications of the Public Works Department. **Motion by Jonas/Legner to authorize the purchase of two used trucks from Budget Value Auto in Schofield with money from the 2008 capital reserve account for equipment. Questioned and carried 4:0.**

Resolution 07-07: 2008 Fee Schedule – **Motion by Sybeldon/Legner to approve the 2008 fee schedule with changes for garbage stickers, zoning and building permit fees, and ambulance transports and an effective date of January 1, 2008. Questioned and carried 4:0.**

Chairman's Appointment to Park Commission – No action.

Donation Request by Boys & Girls Club of the Wausau Area – Community support of the Boys & Girls Club by surrounding municipalities was noted. It was suggested there be a budget line item for community contributions. Supervisor Jonas reiterated his concern that other groups would solicit donations. He preferred that tax money be used in the Rib Mountain community. Supervisor Sybeldon commented that the B&G Club request for up to \$30,000 was overwhelming to him. He, too, stated the Board's prime concern should be Town programs. No action was taken.

License Applications – None

Forthcoming Events:

- Doepke Recreation Area Fund Raising Committee: None
- Walkable Community Committee: The Walkable Community Committee will meet on December 20th to discuss a public walking track for South Mountain School and the Principal of South Mountain School will attend the next Town Board meeting with a request for the trail.
- Park Commission Report: None
- Public Safety Committee Report: Chairman Opall directed this Committee to take up the deer hunting issue again.
- Public Works Committee Report: None
- Finance & Personnel Committee Report: None
- Town Chairman Report: Allen Opall reported there is an abandoned car on the former Tanglewood Lanes property.
- Town Supervisor Reports: None

- Town Administrator Report: Administrator Rhoden filed a written report for the Board's review.
- Attorney's Report: None
- Fire Chief Report: Chief Wirth filed a written report for the Board's review. He noted the Department is already doing runs to the ski hill.
- Building Inspector Report: Inspector Dziadosz filed a written report for the Board's review. He noted the value of permits for 2007 is ahead of last year; he reviewed the status of current projects; noted forthcoming code changes, work on Assessor's Plat #8 will begin this week, contractor qualification in 2008, and that the State Patrol plans to change from a 40' antenna to an 80' tower. He also reported on the number of hits to the Town's website and noted that UW-SP intern Karla assisted Staff with adding information to the website.
- Streets/Parks Superintendent Scott Schatschneider submitted a written report for the Board's review. He apprised the Board of crew activities, fencing of the soccer field, gas service at the pavilion, under budget completion of the Lilac / Lakeshore project except for striping, and a future meeting with American Asphalt about the Town's yard waste site.
- Clerk/Treasurer Report: Patricia Jahns submitted a written report for the Board's review. She noted that two work comp claims were filed.

Public Comment Period – None

**Adjourn - Motion by Sybeldon/Legner to adjourn at 8:06 p.m.
Questioned and carried 4:0.**

Patricia J. Jahns, MMC/CMTW
Clerk/Treasurer